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Air Pollution Regulations in State Implementation Plans: Puerto Rico

Abcor Inc, Wilmington, MA Walden Div

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Office of Air Quality
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Research Triangle Park NC 27711

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Air Pollution Regulations in State Implementation Plans:
Puerto Rico

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Puerto Rico

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

PUERTO RICO

Submittal Date	Approval Date	Description
1/3/75	9/11/75	Article 6 Note: Article 6 as it applies to Aguirre, Barceloneta, Trujillo, Alto Dorado and Ensenada is disapproved for the following facilities:

Puerto Rico Water Resources Authority - Aguirre Complex, Abbot, Merck and Company, Bristol Meyers, Pfizer, Union Carbide, Upjohn, located in the Barceloneta Air Basin, and Central Guanica, located in the Aquada Air Basin. Accordingly, these sources, with the exception of the Puerto Rico Water Resources Authority - Aguirre Complex, are required to conform to the Sulfur in fuel limitations contained in Article 6 of the 1/31/72 submittal.

Note: Sec H of Appendix A of Article 6 is disapproved.

FEDERAL REGULATIONS

Section Number	Description
52.2724	Review of New or Modified Indirect Sources
52.2725	General Requirements
52.2729	Prevention of Significant Deterioration

TABLE OF CONTENTS

PUERTO RICO

Revised Standard Subject Index	Number	Title	Page
(1.0)	Article 1	Definitions	1
(2.0)	Article 2	General Provisions	1
(2.0)	2.1	Generic Prohibitions	3
(9.0)(13.0)	2.2	Source Monitoring, Record-keeping, Reporting, Sampling and Testing Methods	4
(14.0)	2.4	Emission Data Available to Public; Presentation	5
(7.0)(13.0)	2.5	Malfunction of Equipment; Reporting	5
(8.0)	2.6	Air Pollution Emergencies	6
(2.0)	2.7	Atmospheric Pollution Control Equipment	9
(2.0)	Article 3	Administration	9
(3.0)	3.1	Permits to Construct and Operate Emission Sources	10
(6.0)	3.2	Compliance Plans for Existing Sources	16
(2.0)	3.3	Location Approval For Major Sources	18
(2.0)	3.4	Dispensations	20
(2.0)	3.5	Revision of Applicable Rules and Regulations	22
(3.0)(16.0)	3.6	Applications, Hearings, Notice	23
(15.0)	3.7	Punishment	24
(16.0)	3.8	Mandatory Periodic Hearings on Regulation	24

Revised Standard Subject Index	Number	Title	Page
(51.13)	Article 4	Open Burning	26
(2.0)	4.1	Previous Authorization Required	26
(51.13)	4.2	Open Burning Plans As Authorization	26
(51.13)	4.3	Hazardous or Objectionable Open Burning	27
(51.13)	4.4	Certain Open Burning Prohibited	27
(51.13)	4.5	Flares For Safety or Pollution Control	27
(50.1)	Article 5	Control of Particulate Emissions	28
(50.1.2)	5.1	Visible Emissions	28
(50.1)	5.2	Fugitive Dust	28
(51.9)	5.3	Incineration	29
(51.5)	5.4	Fuel Burning Equipment	30
(50.1.1)	5.5	Process Industries - General	30
(50.2)	Article 6	Control of Sulfur Compound Emissions	33
(51.6)	6.1	Fuel Combustion	33
(50.4)	Article 7	Control of Organic Compounds Emissions	36
(51.16)	7.1	Storage of Volatile Organic Compounds	36
(51.21)	7.2	Waste Gas Disposal	36
(50.4)	7.3	Organic Solvents	37
(50.4)	7.4	Volatile Organic Compounds and Organic Solvents Defined	37

Revised Standard Subject Index	Number	Title	Page
(50.6)	Article 8	Odors In The Atmosphere	38
(2.0)	Article 9	Additional Provisions	39
(50.7)	9.1	Public Nuisance	39
(2.0)	9.2	Overlapping or Contradictory Provisions	39
(2.0)	9.3	Derogation	39
(2.0)	9.4	Separability Clause	39
(2.0)	9.5	Effectiveness	39

FEDERALLY PROMULGATED REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page
(10.0)	52.2724	Review of New or Modified Indirect Sources	54
(14.0)	52.2725	General Requirements	64
(17.0)	52.2729	Prevention of Significant Deterioration	65

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
- 4.6 OXIDANTS
- 4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 - 49.0
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

- 50.1 PARTICULATES
  - 50.1.1 PROCESS WEIGHT
  - 50.1.2 VISIBLE EMISSIONS
  - 50.1.3 GENERAL

50.2 SULFUR COMPOUNDS

50.3 NITRIC OXIDES

50.4 HYDROCARBONS

50.5 CARBON MONOXIDE

50.6 ODOROUS POLLUTANTS

50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)

51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)

51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)

51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)

51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)

51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

51.8 HOT MIX ASPHALT PLANTS

51.9 INCINERATION

51.10 NITRIC ACID PLANTS

51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide

51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)

51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)

51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)

51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS

51.20 WOOD WASTE BURNERS

51.21 MISCELLANEOUS TOPICS

(1.0) ARTICLE 1 - DEFINITIONS

Air Pollutant - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof, but not including uncombined water vapor.

Air Pollution - The presence in the outdoor atmosphere of one or more air pollutants in such quantities and duration as is or could be injurious to human health or welfare, animal or plant life, or property, or which interferes with the enjoyment of life or property.

Applicable Rules and Regulations - See Section 2.1.

Atmospheric Pollution Control Equipment - Any process, equipment, device, and all appurtenances thereto, used for eliminating, reducing, or controling the emission of any air pollutant.

Board - The Environmental Quality Board of the Commonwealth of Puerto Rico.

Burning or Incineration - The complete or incomplete combustion of any material.

Clean Air Date - The date, fixed pursuant to the U.S. Clean Air Act, by which Puerto Rico is required to attain compliance with a national primary or secondary ambient air quality standard. If a source is subject to a postponement or extension granted by the U.S. Government pursuant to the Act, the clean air date for that source is the date on which such postponement or extension terminates. The Board may from time to time adopt resolutions setting forth the clean air date(s) as so fixed by the U.S. Government pursuant to the Act. In the absence of such a resolution, the clean air date is April 30, 1975; except that, with respect to any additional restriction resulting from a new or revised national ambient air quality standard that becomes effective after April 30, 1972, the clean air date is three years after the effective date of such new or revised standard.

Emission - The act of releasing or discharging air pollutants into the ambient air from any source.

Existing Source - Any stationary source other than a new or modified source

Fuel Burning Equipment - Any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Fugitive Dust - Solid airborne particulate matter emitted from any source other than through a stack.

Incinerator - Any equipment, apparatus, and all appurtenances thereof, used for the burning or incineration of garbage or other combustible waste.

Major Source - Any existing source that emits or may emit more than 1,000 tons per year of SO_2 or of particulate matter, and any new or modified source that emits or may emit more than 300 tons per year of SO_2 or of particulate matter. For purposes of this definition, all air pollutants emitted from each parcel of land or place of business or other establishment shall be treated as coming from one source. Any modification of a source shall itself be considered a major source if it increases the emission of SO_2 or particulate matter by 300 tons per year or more.

Modification - Any physical change to or change in the method of operation of a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted. Routine maintenance, repair, and replacement shall not be considered physical changes.

New or Modified Source - Any stationary source, the construction or modification of which is commenced after the effective date of this Regulation or of any relevant revision of applicable Rules and Regulations.

Opacity - A state which renders material partially or totally impervious to light or to the vision of an observer.

Open Burning - Burning or incineration of material not confined in enclosure designed for essentially complete combustion.

Particulate Matter - Any material in solid or liquid form sufficiently subdivided into small particles as to be susceptible to dispersion and suspension or to be carried by currents of air or other gases, except water in its uncombined state.

Person - Any person, natural or juridical, or group of persons private or public, including agencies, government bodies, municipalities and public and quasi-public corporations.

Process Source - A source from which emissions are, in whole or in part, the result of a manufacturing process that produces a chemical change in any of the materials involved in that process.

Refuse - All waste material, including (but not limited to) garbage, rubbish, incinerator residue, street sweepings, dead animals, and animal wastes.

Ringelmann Chart - The chart published and described in U.S. Bureau of Mines Information Circular 8333 or any chart, recorder, indicator or device which the Board may approve as the equivalent of such chart.

Source - Any property, real or personal, which emits or may emit any air pollutant.

Stack - Any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(2.0) ARTICLE 2 - GENERAL PROVISIONS

(2.0) 2.1 Generic Prohibitions

2.1.1 No person shall cause or permit air pollution as defined in Article 1.

2.1.2 No person shall cause or permit the emission of any air pollutant in violation of applicable Rules and Regulations:

A. Such Rules and Regulations include:

1. Emission limitations and all other requirements established by this Regulation or by other laws or regulations of the Commonwealth of Puerto Rico; and

2. "Performance standards for new stationary sources," "National emission standards for hazardous air pollutants," and any other requirements established by the United States Government pursuant to the Clean Air Act as amended.

B. Moreover, such Rules and Regulations shall be deemed to prohibit any emission that, in the judgment of the Board, prevents or interferes with attainment or maintenance of applicable ambient air quality standards. including:

1. Any such standards established by this Regulation or by other laws or regulations of the Commonwealth of Puerto Rico; and

2. "National primary and secondary ambient air quality standards" established by the United States Government pursuant to the Clean Air Act as amended.

2.1.3 No person shall install or cause the installation or use of any device or fuel additive or any means which, without resulting in reduction in the total amount of air pollutant emitted, conceals or dilutes an emission of air pollutant which would otherwise violate applicable Rules and Regulations. This subsection 2.1.3 shall not prohibit the construction or enlargement of stacks; nor shall it prohibit the increasing of emission velocities; nor shall it prohibit the use of any fuel additive the use of which is required by any other law, regulation, standard, or limit established by any duly constituted governmental authority having jurisdiction.

(9.0) (13.0) 2.2 Source Monitoring, Record Keeping, Reporting, Sampling and Testing Methods

2.2.1 The Board may require the owner or operator of any source to install, use, and maintain such monitoring equipment, sample such emissions, sample such ambient air quality, establish and maintain such records, and make such periodic reports as the Board shall prescribe. For each major source, moreover, the Board shall at minimum require the owner or operator, at his own expense, to (a) sample ambient air quality, and (b) either sample emissions from each stack or provide an equivalent determination acceptable to the Board.

2.2.2 Representatives of the Board, upon presentation of their credentials,

1. Shall have right of entry to, upon, or through any premises in which a source is located or in which any records required to be maintained under this Regulation are located, and

2. May at reasonable time have access to and copy any records, inspect any monitoring equipment or method to determine its accuracy, and sample any emissions or air quality which the owner or operator of such source is required under this Regulation to sample.

2.2.3 All tests shall be made and the results calculated in accordance with test procedures approved by the Board. All tests shall be made under the direction of an engineer or chemist licensed to practice the profession in Puerto Rico.

2.2.4 All records and reports required pursuant to this Regulation shall be submitted on forms prescribed by the Board and shall be submitted together with a sworn statement or

affidavit of the corporate President, of a Vice President reporting directly to the President, or of the highest ranking corporate officer with offices in Puerto Rico; or of an equivalently responsible officer in the case of organizations other than corporations. Such sworn statement or affidavit shall attest to the truth, correctness, and completeness of such records and reports.

2.2.5 Emissions of particulate matter, sulfur oxides, and nitrogen oxides shall be expressed as follows: in pounds per hour or kg. per hour and pounds per million B.T.U. or gm. per million gm.-cal. of heat input for fuel-burning equipment; in pounds per hour or kg. per hour and pounds per 100 pounds or gm. per kg. of refuse burned for incinerators; and in pounds per hour or kg. per hour or tons per year or tons per day or in terms of some other easily measured and meaningful process unit specified by the Board.

2.2.6 The Board may conduct tests of emissions of air pollutants from any source. Upon request of the Board, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and such other safe and proper sampling and testing facilities (but not including instruments and testing devices except when required pursuant to other provisions of the Regulation) as may be necessary for proper determination of the emissions of air pollutants.

2.3 (Reserved)

(14.0) 2.4 Emission Data Available to Public; Presentation

2.4.1 All emission data obtained by the Board, including data reported pursuant to Section 2.2 and data obtained in any other way, shall be available for public inspection and may also be made available to the public in any additional ways that the Board may deem appropriate.

2.4.2 All such emission data shall be presented in such a manner as to show the relationship between measured or estimated emissions and the emissions allowable under applicable Rules and Regulations.

(7.0) (13.0) 2.5 Malfunction of Equipment; Reporting

2.5.1 In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Board at least 24 hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

A. Identification of the specific facility to be taken out of service as well as its location and permit number.

B. The expected length of time that the air pollution control equipment will be out of service.

C. The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period.

D. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

E. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

2.5.2 In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air pollutants in violation of applicable Rules and Regulations, the person responsible for such equipment shall immediately notify the Board of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Board shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. Upon request of the Board, this notification shall be followed by a written report of the incident. This report shall include specific data concerning the affected equipment, date and hour of the occurrence, causes of the malfunction, and corrective measures taken.

(8.0) 2.6 Air Pollution Emergencies

This regulation is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

2.6.1 Episode Criteria

The Board shall publicly announce the existence of an air pollution alert, air pollution warning, or air pollution emergency whenever the Board determines that the accumulation of air pollutants in any place is attaining or has

attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination with respect to SO_2 and particulate matter, the Board will be guided by the following:

A. "Air Pollution Forecast". An internal watch by the staff of the Board shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.

B. "Alert" The Alert level is that concentration of pollutants at which first stage control actions is to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

-SO_2 - 800 ug/m^3 (0.28 p.p.m.), 24-hour average.

-Particulate - 3.0 COHs or 375 ug/m^3, 24-hour average.

-SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average, and COHs equal to 0.2, or product of SO_2 ug/m^3, 24-hour average, and particulate ug/m^3, 24-hour average equal to 65 x 10^3,

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

C. "Warning" The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

-SO_2 - 1600 ug/m^3 (0.56 p.p.m.), 24-hour average.

Particulate - 5.0 COHs or 625 ug/m^3, 24-hour average.

-SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average and COHs equal to 0.8, or product of SO_2 ug/m^3, 24-hour average and particulate ug/m^3. 24-hour average equal to 261 x 10^3,

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

D. "Emergency" The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

-SO_2 - 2100 ug/m^3 (0.73 p.p.m.), 24-hour average.

-Particulate - 7.0 COHs or 875 ug/m^3, 24-hour average.

-SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average and COHs equal to 1.2, or product of SO_2 ug/m^3, 24-hour average and particulate ug/m^3, 24-hour average equal to 393 x 10^3,

and meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

E. "Termination" Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

2.6.2 Emission Reductions

A. When the Board declares an air pollution alert, warning, or emergency, and determines that such condition requires immediate action for the protection of the health of human beings, the Board will order persons causing or contributing to the atmospheric pollution to reduce their emissions in order to eliminate such condition, or to discontinue immediately the emission of pollutants.

B. Orders issued by the Board pursuant to this article will not be subject to hearings prior to compliance.

C. All persons responsible for a source shall, when requested in writing by the Board, have available an emergency plan which must be consistent with adequate industrial and safety practices, and which provides for the reduction or retention of the emissions in the plant during periods classified by the Board as air pollution alerts, warnings, or emergencies. These plans will

include source of pollution, the reduction to be accomplished, and how such reduction will be accomplished. These plans will be available to any representative of the Board at any time.

(2.0) 2.7 Atmospheric Pollution Control Equipment

A. All air pollution control equipment shall provide the necessary control for compliance with applicable Rules and Regulations. It shall be installed, maintained, and operated in a reasonable and satisfactory manner and in accordance with the specifications of the manufacturer and of the Board.

B. All material shall be removed at the intervals required for the maintenance of operational efficiency required of each air pollution control device. In case the collected material is to be disposed of, such disposal shall be in accordance with applicable Rules and Regulations. The removal, manipulation, transportation, storage or disposal will be done so as not to produce environmental degradation.

(2.0) ARTICLE 3 - ADMINISTRATION

(3.0) 3.1 Permits to construct and operate emission sources

3.1.1 Permits to construct new or modified sources

No person shall construct or cause the construction of any new or modified source (as defined in Article 1) without first obtaining a permit from the Board.

A. Applications

1. Each application for a permit to construct a new or modified source shall be signed by the owner or operator thereof. This signature shall constitute an agreement that the applicant will assume responsibility for the construction or operation of the source in accordance with applicable Rules and Regulations and will notify the Board in writing of the start-up of operation of such source.

2. Each application shall include detailed plans and specifications of the source, including (but not limited to) the location, height of the emission points, fuel used, process details, concentration and duration of emissions, and details about the atmospheric pollution control measures and equipment to be installed and constructed to comply with applicable Rules and Regulations.

3. Each application for a major source shall include certification by an engineer or chemist licensed to practice the profession in Puerto Rico. Such certification shall indicate that the equipment or measures for the control of the proposed emissions are or are not, as the case may be, adequate to comply with applicable Rules and Regulations. The certification shall also include the results of any tests or other data which indicate that the emissions will or will not exceed the limits established by such Rules and Regulations.

B. Standards for Granting Permit to Construct

No permit to construct a new or modified source shall be granted unless the applicant shows both of the following to the satisfaction of the Board:

1. That the source will operate without causing a violation of applicable Rules and Regulations, and

2. That air pollutant emissions by the source will be limited by means of the best system of emission reduction which (taking into account the cost of achieving such reduction) has been adequately demonstrated.

C. Action on Applications

Within 60 days after receipt of a complete application for a permit to construct a new or modified source, the Board shall grant or deny the application. However, if a public hearing is held on an application, the Board shall grant or deny the application within 30 days after conclusion of the hearing. With the consent of the applicant, the 60-day period may be extended.

D. Conditions on Permit

The Board may impose any reasonable conditions upon a permit.

E. Lapse and Revocation of Permit

1. Each permit to construct shall automatically lapse, one year after the date of its issuance, unless the construction (or modification) has then begun.

2. The Board may revoke a permit at any time if work is suspended for one year or is otherwise not diligently pursued to completion.

3.1.2 Permit to Operate

A. Permits Required

1. No person shall operate or cause the operation of a stationary source without applying to the Board for a permit to operate. Application for a permit to operate a new or modified source shall be made at least 30 days prior to start-up of operation. Application for a permit to operate an existing source shall be made on or before December 14, 1971.

2. No person shall operate or cause the operation of a source if the Board denies, suspends, or revokes a permit to operate.

B. Applications

Application for a permit to operate a new or modified source shall be made by the owner or operator thereof on forms furnished by the Board. Application for a permit to operate an existing source shall comply with the requirements of paragraph 3.1.1(A).

C. Standards for Granting Permits

No permit to operate shall be granted unless the applicant shows to the satisfaction of the Board that the source is in compliance with applicable Rules and Regulations and, in the case of a new or modified source, also in compliance with the terms of a valid permit to construct.

D. Performance Testing

Before a permit to operate is granted, the applicant, if required by the Board, shall conduct performance tests in accordance with methods approved by the Board. Such tests shall be made at the expense of the applicant. The Board may monitor such tests and may also conduct performance tests.

E. Action on Applications

1. On an application for a permit to operate a new or modified source, the Board shall grant or deny the application within 60 days after receipt of the applicant's notice of start-up. However, if a public hearing is held on an application, the Board shall act within 30 days after conclusion of the hearing. With the consent of the applicant, the 60-day period may be extended. On an application to operate an existing source, the Board shall act within a reasonable time.

2. Any permit granted to operate a source shall be valid for the period determined by the Board, but not to exceed 5 years. At least 60 days before the expiration of a permit to operate, the owner or operator shall again file application for a permit to operate such source. The Board shall thereafter take action on such application, applying the Rules and Regulations applicable at the time of its action.

F. Conditions on Permit

The Board may impose any reasonable conditions upon a permit.

G. Suspension or Revocation of Permit

1. The Board may suspend or revoke a permit to operate for violation of applicable Rules and Regulations.

2. Suspension or revocation of a permit to operate shall become final 10 days after service of notice on the holder of the permit, subject to the rights of public hearing and appeal as provided by law.

3. A permit to operate which has been revoked pursuant to these regulations shall be surrendered forthwith to the Board.

H. Transfer of Permit

The holder of a permit may not transfer it without the prior written approval of the Board.

3.1.3 Exemptions

Neither a permit to construct nor a permit to operate are required for:

A. Vehicles, as defined in Law 141 of June 20, 1960 as amended; nor for air or maritime transports.

B. The equipment described below:

1. Air conditioning and ventilation systems installed for comfort and not for the removal of general pollutants produced by, or escaping from, specific units, or items of equipment.

2. Refrigeration units, except those used with, or in conjunction with, atmospheric pollution control equipment.

3. Internal combustion engines having a piston displacement of less than twenty-two cubic inches.

4. Operational equipment for laboratories which does not remove or carry pollutants from another source.

5. Water-cooling towers and pools except those used for cooling by evaporation of the waters of industrial processes or for the cooling by evaporation of the water of barometric spouts.

6. Equipment utilized exclusively for steam cleaning.

7. Automatic feed presses, and other types of presses which use only inks having a content of less than ten (10) percent of organic solvents, diluents, and thinners.

8. Tanks, containers, and pumping equipment used exclusively for the storage or supply of:

a. Sulfuric acid in a concentration of 99% or less by weight.

b. Phosphoric acid in a concentration of 99% or less by weight.

c. Nitric acid in a concentration of 70% or less by weight.

9. Crucibles or hard coal ovens, or sets of these, used for melting metals, with a maximum cumulative capacity of 450 cubic inches.

10. Equipment utilized exclusively for wax melting or coating, and which does not use organic solvents, diluents, or thinners.

C. The equipment described below, and the escape or collection systems used exclusively with said equipment:

1. Equipment for cleaning by blasting which uses abrasives in an aqueous suspension.

2. Ovens and mixers of which the products are edible and for human consumption and which work on gaseous fuels or electricity.

3. Kilns used for ceramic products, and heated exclusively by gaseous fuels, electricity or any combination of these.

4. Laboratory equipment used exclusively for chemical or physical analyses.

5. Generators of artificial atmosphere utilized in conjuction with the processes of heat treatment of metals.

6. Photo processing equipment by means of which an image is produced on sensitive material, or radiant energy.

7. Equipment utilized for the surface conditioning, cleaning, or slicing of metals, using aqueous solutions.

8. Equipment utilized for the washing or drying of products made of metal or glass, as long as no solid fuels or oil are burned.

9. Household laundry dryers, extractors, or tumblers utilized for cleaning cloth, using aqueous solutions of bleaches or detergents.

D. Steam generators, steam oven-heaters, and cauldrons, heated only by gaseous fuels.

E. Fans, chimneys or ventilators intended to provide natural ventilation.

F. Containers, reservoirs, and tanks utilized exclusively for:

1. Immersion operations for covering objects with oil, meat or fats, and where no organic solvents, diluents, or thinners are used.

2. Immersion operations for covering with natural or synthetic resins which do not contain organic solvents.

3. Storage without heating of organic materials having a boiling temperature of 300°F or more.

4. Storage of lubricating oil.

5. Etching

6. Storage of gasoline, diesel fuel, kerosene, acetone, alcohol, and similar organics, but only in underground tanks having a capacity of less than 10,000 gallons each.

G. Vacuum cleaning systems used exclusively in the maintenance and cleaning of industrial, commercial or residential establishments.

H. Structural changes which cannot alter the quality, nature, or quantity of pollutant emissions.

I. Repairs or maintenance operations which do not involve structural changes in any equipment for which authorization is required.

J. The identical substitution, in whole or in part, of any article, machine, equipment or other device for which prior approval has been granted in accordance with this article.

3.1.4 Continuing Responsibility For Compliance

Possession of a permit to construct or a permit to operate shall not relieve any person of the responsibility to comply with applicable Rules and Regulations.

(6.0) 3.2 Compliance Plans For Existing Sources

3.2.1 Individual Compliance Plans Authorized

Any existing source not in compliance with applicable Rules and Regulations on their effective date shall be in compliance within 180 days of such date unless the owner or operator of the source shall have submitted a proposed compliance plan and applied to the Board for its approval. Nevertheless, in case of Rules and Regulations whose effective date is prior to July 1, 1972, any such existing source shall be in compliance by July 31, 1972 unless the owner or operator of the source shall have submitted a proposed compliance plan and applied to the Board for its approval.

3.2.2 Pre-Application Conference

Before submitting a compliance plan for approval, the applicant or his authorized agent shall first confer in person with the Board or its staff.

3.2.3 Notice of Intention to Submit Compliance Plan For Major Source

If a compliance plan pertains to a major source (as defined in Article 1), the applicant shall cause to be published a notice of his intention to submit the plan for approval. Such notice shall be published, at the expense of the applicant, at least once in two of the newspapers of largest circulation on the island. The form of such notice shall be as prescribed by the Board. The notice shall inform the public that the Board may, in its discretion, hold a public hearing on the plan and shall request any information that may aid the Board in determining whether a hearing should be held.

3.2.4 Application

A. Each application for approval of a proposed compliance plan shall be signed by the owner or operator of the source.

B. If the proposed plan pertains to a major source, the application shall be accompanied by suitable evidence of publication of the notice required by subsection 3.2.3.

C. Each proposed plan shall fix a compliance date, on or before which compliance will be attained.

D. Each proposed plan shall indicate the atmospheric pollution control equipment that will be installed, or other measures that will be taken, to attain compliance by that date.

E. Each proposed plan shall establish a schedule for the completion of engineering, procurement, fabrication, installation, and adjustment of any atmospheric pollution control equipment required to carry out the plan.

F. Each proposed plan shall include provision for periodic reports, at least semiannually, to demonstrate continuing compliance with the terms of the plan.

3.2.5 Standards For Granting Approval of Compliance Plan

No compliance plan shall be approved unless the applicant shows to the satisfaction of the Board:

A. That the plan provides for compliance as expeditiously as practicable.

B. That the source will be in compliance with all applicable Rules and Regulations on or before the clean air quality standards (as defined in Article 1).

C. If the plan fixes any compliance date more than 18 months after the date of plan approval, that the plan provides for periodic increments of progress.

D. That the plan provides for periodic reports to the Board to demonstrate continuing compliance with the terms of the plan.

3.2.6 Action on Compliance Plan

A. The Board shall act on each proposed compliance plan within a reasonable time.

B. Any plan approved by the Board shall be deemed to authorize operation of the source, in compliance with the terms of the plan, until the compliance date fixed by the plan. At least 60 days before that compliance date, the owner or operator shall file application for a permit to operate, and the Board shall act thereon as provided in subsection 3.1.2 of this Regulation.

C. No person shall operate or cause the operation of a source if the Board disapproves, or suspends or revokes its approval of, a compliance plan submitted for that source.

3.2.7 Conditions of Plan Approval

The Board may impose any reasonable conditions upon its approval of a compliance plan.

3.2.8 Revocation of Approval of Compliance Plan

A. The Board may suspend or revoke its approval of a compliance plan for failure to comply with any of the terms of the plan.

B. Suspension or revocation of approval of a compliance plan shall become final 10 days after service of notice on the owner or operator of the source, subject to the rights of public hearing and appeal as provided by law.

(2.0) 3.3 Location Approval For Major Sources

3.3.1 Location Approval Required

After January 1, 1973, the Board shall not grant a permit to construct a major source (as defined in Article 1) at any site except pursuant to a valid Location Approval, pertaining to that site. The Board may grant such Location Approval only in accordance with this section.

3.3.2 Application For Location Approval

A. An application for Location Approval shall include a draft Environmental Impact Statement, which shall satisfy the requirements of Section 4(2)(C) of the Public Policy Environmental Act and of implementing Guidelines issued by the Board. Such Statement shall include consideration of alternative locations for the proposed construction.

B. A Commonwealth agency or public corporation may include, in a single application, one or more sites that the agency or corporation owns or is considering the possibility of acquiring, for inclusion in an Inventory of Approved Sites for Major Sources. Such an application need not designate each site for use by a specific type of industry or other source.

C. Except as permitted by the preceding paragraph, each application shall pertain to only one site and shall specify the type of industry or other source to be constructed on the site. All applications shall include any additional information deemed necessary for consideration of the case.

D. Unless required by the Board in a specific case, an application for Location Approval need not be accompanied by an application for a permit to construct the proposed source.

3.3.3 Standards For Granting Location Approval

Location Approval shall not be granted unless all the following requirements are satisfied:

A. The applicant must show, to the satisfaction of the Board, that the proposed location is at least as favorable, from the standpoint of environmental impact, as any suitable alternative location for the proposed source. In determining environmental impact, the Board shall consider the proximity of population concentrations, topography, microclimate, vegetation, and any other factors which the Board deems relevant. In determining the suitability of alternative locations, the Board shall not limit its consideration to environmental matters but shall consider the full range of economic, technical, and other factors relevant to source location. Due weight shall be given to any available plans and planning studies.

B. The Board must impose both of the following conditions on every Location Approval:

1. The proposed source must comply with all applicable Rules and Regulations and other standards, and

2. Air pollutant emissions from the source must be limited by means of the best system of emission reduction which (taking into account the cost of achieving such reduction) has been adequately demonstrated.

3.3.4 Action on Application

A. Location Approval shall not be granted without notice and hearing, which shall comply with subsection 3.6.3.

B. Location Approval shall not be granted without prior issuance of a final Environmental Impact Statement, which shall satisfy the requirements of Section 4(2)(C) of the Public Policy Environmental Act and of implementing Guidelines issued by the Board.

3.3.5 Conditions on Approval

In addition to the conditions required by subsection 3.3.3, which must be imposed in every case, the Board may impose any reasonable conditions upon its grant of Location Approval.

3.3.6 Period of Validity

A. When the Board grants Location Approval, it shall determine the period, not to exceed 5 years, during which such Approval is to remain valid. Such Approval shall not authorize the granting of any construction permit unless an application for such permit is filed within that period.

B. If an applicant who has obtained Location Approval shall at any time file written renunciation of that Approval, the Board shall not thereafter grant any construction permit pursuant to that Approval.

(2.0) 3.4 Dispensations

3.4.1 Dispensations Authorized

The Board may grant dispensations from the strict application of the substantive requirements established by this Regulation, but only in accordance with this section.

3.4.2 Pre-Application Conference

Before filing an application for a dispensation, the applicant or his authorized agent shall first confer in person with the Board or its staff.

3.4.3 Application

A. Each application for a dispensation shall include the following:

1. If the proposed dispensation pertains to a new or modified source, the application for dispensation

shall include an application for a permit to construct the proposed source.

2. If the proposed dispensation pertains to an existing source, the application for dispensation shall include (1) an application for a permit to operate the source and (2) an application for approval of a proposed compliance plan as described in Section 3.2.

B. The application shall specify each regulatory provision from which the dispensation would grant relief and shall specify the nature and extent of such relief.

3.4.4 Standards For Granting Dispensations

No dispensation shall be granted unless the applicant shows all of the following to the satisfaction of the Board:

A. The dispensation will not cause significant adverse impact on the quality of the environment.

B. Special circumstances justify the grant of the dispensation in this case even though the strict terms of the Regulation should be applied to other applicants.

C. The dispensation will not prevent or interfere with attainment or maintenance of a national ambient air quality standard after the clean air date (as defined in Article 1).

3.4.5 Action on Application

A. No dispensation shall be granted without notice and hearing, which shall comply with Subsection 3.6.3.

B. The Board shall notify the applicant in writing of its grant or denial of a dispensation. In its notice, the Board shall set forth the reasons for its action, including its reasons for determining that the standards in Subsection 3.4.4 were or were not satisfied, as the case may be.

3.4.6 Conditions on Grant

The Board may impose any reasonable conditions upon its grant of a dispensation.

3.4.7 Period of Validity

A dispensation shall be valid for the period determined by the Board, but not to exceed 5 years. To seek renewal or extension of a dispensation, the owner or operator of the source shall, at least 120 days before its expiration, file application for a new dispensation. The Board shall thereafter take action on such application, applying the Rules and Regulations applicable at the time of its action.

(2.0) 3.5 Revision of Applicable Rules and Regulations

3.5.1 Effectiveness of Revisions

A. Amendments to this Regulation may be adopted by the Board and shall become effective 30 days after the date of their filing in the Department of State in conformity with Law No. 112 of June 30, 1957, as amended.

B. Revisions of Federal emission limitations (including "Performance standards for new stationary sources" and "national emission standards for hazardous air pollutants") and of Federal ambient air quality standards (including "national primary and secondary ambient air quality standards") shall become effective as part of applicable Rules and Regulations immediately upon their promulgation by the Administrator of the U.S. Environmental Protection Agency pursuant to the Clean Air Act as amended.

3.5.2 Notice and Hearing on Amendments to This Regulation

The Board shall not adopt any amendment to this Regulation without notice and hearing, which shall comply with Subsection 3.6.3. Each required notice of hearing shall indicate at least one location at which the full text of the proposed amendment is available for public inspection.

3.5.3 Effect of Pending Revision

A. Notwithstanding any other provision of this Regulation, while any proposed revision of applicable Rules and Regulations is pending, the Board shall not grant any permit or approve any compliance plan that could not be granted or approved if such proposed revision were already in effect.

B. For purposes of this section, an amendment to this Regulation is "pending":

1. From the date of the first publication of notice of public hearing on the amendment,

2. Until 120 days after the close of such hearing, or until the effective date of the amendment, or until the date of final Board action rejecting or withdrawing the amendment, whichever first occurs.

C. For purposes of this section, a revision of Federal emission limits or ambient air quality standards is "pending":

1. From the date of first publication of the draft revision in the Federal Register,

2. Until 120 days after such date, or until promulgation or withdrawal of the revision, whichever first occurs.

3.5.4 Effect on Outstanding Permits, Plans, Dispensations

Revision of applicable Rules and Regulations shall not impair the validity of any permit, compliance plan, Location Approval, or dispensation lawfully granted or approved before the effective date of such revision. The Board may, however, revoke any such permit, plan, Location Approval, or dispensation, or may impose additional conditions thereon, when the Board finds such action necessary to attain timely compliance with any new or revised national ambient air quality standard.

(3.0) (16.0) 3.6 Applications, Hearings, Notice

3.6.1 Applications

A. Content of Applications

The content of applications must comply with the policies and rules of the Board. All applications must be upon forms furnished by the Board and must include all information, plans, specifications, evidence, or documentation deemed necessary by the Board for consideration of the case.

B. Oath

Each application shall be submitted together with a sworn statement or affidavit of the applicant or his authorized agent attesting to the truth and correctness of all facts, statements, and information presented.

C. Single Source

Except as otherwise specifically permitted, each application shall pertain to only one source.

3.6.2 Optional Hearings

The Board may at its option hold one or more public hearings on any pending action, giving written notice to the applicant and such additional notice thereof as the Board may deem appropriate in each case.

3.6.3 Notice of Required Hearings

Notice of the date, time, place, and nature of each public hearing required by this Regulation must be given, at least 30 days before the hearing, by:

A. Publishing the required notice at least once in two of the newspapers of largest circulation on the island; and

B. Mailing the required notice to the applicant.

Additional notice may be given in any manner the Board deems appropriate.

3.6.4 Decision and Notification

The Board shall notify the applicant in writing of its approval or disapproval of each application filed pursuant to this Regulation. The Board shall set forth in any notice of disapproval its reasons for disapproval.

(15.0) 3.7 Punishment

Any violation of this Regulation will constitute a misdemeanor, and will be subject to the penalty established by the Public Policy Environmental Act. Moreover, the Board may, in any case of infraction of any of the applicable Rules and Regulations suspend, amend, or revoke any relevant permit, approval, dispensation, or other authorization issued under this Regulation.

(16.0) 3.8 Mandatory Periodic Hearings on Regulation

The Board shall periodically hold public hearings to consider possible improvement of this Regulation (including the emission limits established by it). The first such hearings shall be held

no later than August 15, 1975 and each subsequent hearing shall be held no later than 3 years after the close of the preceding one. The Board may, but need not, propose amendments to this Regulation for consideration at any such hearing. Any such hearing may, but need not, be held simultaneously with a hearing required by Subsection 6.1.6. Notice of each hearing shall be given in accordance with Subsection 3.6.3.

(51.13) ARTICLE 4 - OPEN BURNING

(2.0) 4.1 Previous Authorization Required

A. No person shall cause or permit the open burning of any material unless previous authorization is obtained from the Board.

B. Previous authorization will not be required when open burning results from activities in connection with any of the following practices:

1. Fire control

2. The melting of lead, tar or other materials to be used in repair or construction work.

3. Campfires and other fires used solely for recreational purposes, for ceremonial occasions, or for outdoor preparation of food.

4. Training for fire fighting.

C. All requests for such authorization shall include the following information:

1. The reasons why open burning should be authorized and a statment as to the nature and total amount of material to be burned.

2. The date, time and exact location of the open burning. Open burning will not be authorized at any location which is less than 100 feet from the boundary of any property or public road.

3. A certification from the Puerto Rico Fire Department that the proposed open burning will be in accordance with the regulations of that department.

4. A certification from the Puerto Rico Department of Health that the proposed open burning will be in accordance with health regulations.

(51.13) 4.2 Open Burning Plans as Authorization

An open burning plan, if approved by the Board, shall constitute authorization for open burning in accordance with the plan. Any

agricultural, industrial, commercial, or governmental entity may request Board approval of such a plan. The Board may grant approval only if:

A. The applicant demonstrates to the satisfaction of the Board that the planned open burning is customary and that there is no practicable alternative.

B. The applicant's request for authorization satisfies the requirements of Section 4.1, except that Subparagraph 4.1 (C) (2) shall not apply.

C. The request describes the nature of the proposed burning and provides any additional information deemed necessary by the Board for consideration of the case.

(51.13) 4.3 Hazardous or Objectionable Open Burning

Nothing in this article shall be construed to permit open burning which causes objectionable odors or constitutes a hazard to vehicular or air traffic nor which violates any other law or applicable regulation.

(51.13) 4.4 Certain Open Burning Prohibited

The open burning of chemical wastes or reagents, or burning for material recovery or reclaiming will not be permitted.

(51.13) 4.5 Flares For Safety or Pollution Control

This article shall not apply to flares used for safety or as pollution control equipment, but such use must comply with other applicable Rules and Regulations.

(50.1) ARTICLE 5 - CONTROL OF PARTICULATE EMISSIONS

(50.1.2) 5.1 Visible Emissions

5.1.1 Visible Emission Restrictions For Stationary Sources

A. No person shall cause or permit the emission of visible air pollutants of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or 20 percent opacity.

B. Nevertheless, a person may discharge into the atmosphere from any single source of emission, for a period or periods aggregating not more than 4 minutes in any 30 minutes, air pollutants of a shade or density not darker than No. 3 on the Ringelmann Chart or 60 percent opacity.

5.1.2 Visible Emission Restrictions For Motor Vehicles

A. No person shall cause or permit the emission of visible air pollutants from gasoline-powered motor vehicles for longer than 5 consecutive seconds.

B. No person shall cause or permit the emission of visible air pollutants from diesel-powered motor vehicles of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or 20 percent opacity for longer than 5 consecutive seconds.

(50.1) 5.2 Fugitive Dust

5.2.1 No person shall cause or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

A. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, quarrying operations, the grading of roads, or the clearing of land;

B. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;

C. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

D. Covering, at all times when in motion, open bodied trucks transporting materials likely to give rise to airborne dusts;

E. Conduct of agricultural practices such as tilling of land and application of fertilizers, in such manner as to prevent dust from becoming airborne;

F. The paving of roadways and their maintenance in a clean condition;

G. The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

5.2.2 No person shall cause or permit the discharge of visible emissions of fugitive dust beyond the lot line of the property on which the emissions originate.

5.2.3 When air pollutants escape from a building or equipment in such a manner and amount as to cause a nuisance or violate any regulations, the Board may order that the building or equipment in which processing, handling, and storage are done be tightly closed and ventilated in such a way that all emissions from the building or equipment are treated to remove or destroy such air pollutants before emission to the open air.

5.2.4 Every area, lot, or part of a piece of land, intended for parking with a capacity for accommodating more than 40 vehicles at the same time must be paved with concrete, asphalt, or equivalent hard surface, on all its road and parking areas.

(51.9) 5.3 Incineration

5.3.1 No person shall cause or permit the emission from any incinerator of particulate matter to exceed 0.20 pounds per 100 pounds (2 gm/kg.) of refuse charged. Provided that for an incinerator having capacity of less than 50 tons per day (24-hours), emission shall not exceed 0.40 pounds per 100 pounds (4 gm/kg.) of refuse charged.

5.3.2 Emission tests shall be conducted at maximum burning capacity of the incinerator.

5.3.3 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Board in accordance with good engineering practices. In cases of conflict, the determination made by the Board shall govern.

5.3.4 For the purposes of Subsection 5.3.1, the total of the capacities of all incinerators within one system shall be considered as the incinerator capacity.

5.3.5 All incinerators that burn solid refuse shall be of the multiple chamber type or, at the discretion of the Board, of equivalent pollution control efficiency.

(51.5) 5.4 Fuel Burning Equipment

5.4.1 No person shall cause or permit the emission, from fuel burning equipment burning solid fuel, of particulate matter in excess of 0.30 pounds per million B.T.U. (0.54 gm/10^6 gm-cal) of heat input.

5.4.2 For purposes of this regulation, the heat input shall be the aggregate heat content of all fuels whose product of combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

(50.1.1) 5.5 Process Industries - General

5.5.1 Except as permitted by Subsection 5.5.7, no person shall cause or permit the emission of particulate matter in any one hour from any process source in excess of the amount shown in the following table for the process weight rate allocated to such source.

Process weight rate (lbs./hr.)	Emission rate (lbs./hr.)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	16.00
60,000	40.00
80,000	42.00
120,000	46.00
160,000	49.00
200,000	51.00
400,000	58.00
1,000,000	69.00
2,000,000	78.00
6,000,000	93.00

5.5.2 Interpolation of the data in the above table shall be done by the use of proportional interpolation.

5.5.3 Process weight rate is the total weight of all materials introduced into any specific process in any one hour that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.

5.5.4 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the smallest allowable emission shall apply.

5.5.5 For purposes of the regulation, the total process weight rate from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

5.5.6 From any source other than a process source, no person shall cause or permit the emission of particulate matter in any one hour in excess of 0.02 pound per pound of process weight (as described in Subsection 5.5.3).

5.5.7 Nothing in this Section 5.5 shall be deemed to prohibit the construction or operation of a source if its owner or operator demonstrates all of the following to the satisfaction of the Board:

A. That air pollutant emissions from such source are limited by means of the best system of emission reduction which (taking into account the cost of achieving such reduction) has been adequately demonstrated, and

B. That, despite the operation of such system at its rated efficiency, the source cannot practicably comply with Subsection 5.5.1, and

C. That emissions of particulate matter from such source do not, in any one hour, exceed 0.02 pound for each pound of process weight (as described in Subsection 5.5.3).

(50.2) ARTICLE 6 - CONTROL OF SULFUR COMPOUND EMISSIONS

(51.6) 6.1 Fuel Combustion

6.1.1 A. No person shall burn or permit the burning in fuel burning equipment, any fuel containing a percentage of sulfur by weight which violates or may violate any National Ambient Air Quality Standard.

B. No person shall burn or permit the burning in fuel burning equipment, any fuel containing a percentage of sulfur by weight which exceeds the applicable maximum percentage allowed in Subsection 6.1.2.

C. No person shall operate or cause the operation of a stationary source with a design capacity equal to or higher than 8 million BTU/hr, until and unless the Board has assigned to the source a maximum allowed percentage of sulfur by weight to be burned by it in fuel burning equipment. Such maximum allowed percentage is derived by the use of the atmospheric dispersion calculations, methods, procedures and definitions set forth in Appendix A of this Regulation.

6.1.2 Sulfur Content in Fuel

A. For sources with a design capacity lower than 8 million BTU/hr, the maximum allowed percentage of sulfur in fuel, by weight, to be burned in fuel burning equipment shall be 2.5.

B. For sources with a design capacity equal to or higher than 8 million BTU/hr, the maximum allowed percentage of sulfur in fuel, by weight to be burned in fuel burning equipment shall be that percentage, up to 3.1% assigned to each such source by the Board as set forth in Appendix B of this Regulation.

C. The owner or whoever is responsible for the operation of a new or modified source with a design capacity equal to or higher than 8 million BTU/hr, shall apply to the Board for assignment or reassignment of a maximum allowed percentage of sulfur in fuel, by weight, to be burned in fuel burning equipment at the time it applies for a permit to construct, under the disposition of Section 3.1.1. The application shall include all atmospheric dispersion calculations as set forth in Appendix A, which will enable the Board to make the required assignment or reassignment. In case the

applicant wishes the Board to make such calculations, it shall submit to the Board all pertinent information necessary for the Board to determine and assign such percentage of sulfur in fuel by weight under the provisions set forth in Appendix A of this Regulation. The application for determination and assignment or reassignment of such a percentage of sulfur in fuel by weight shall be acted upon by the Board upon deposit by the applicant of such fees as may be reasonably required by the Board to cover expenses related to the determination of such percentage.

D. Notwithstanding anything in Subsection 6.1.2 (A), if the Board finds that two or more sources with a design capacity less than 8 million BTU/hr, are situated in such manner that their combined emissions of SO_2 result or may result in the violation of any National Ambient Air Quality Standard, the Board shall assign to each such source a maximum allowed percentage of sulfur in fuel, by weight, to be burned in fuel burning equipment using the atmospheric dispersion calculations, methods, procedures and definitions as set forth in Appendix A of this Regulation.

E. In assigning the maximum allowed percentage of sulfur in fuel, by weight, to be burned in fuel burning equipment pursuant to Subsections 6.1.2 (B), (C), (D), the Board shall strictly adhere to the calculations, methods, procedures and definitions set forth in Appendix A of this Regulation.

F. Whenever the Board makes any assignment to a source of a maximum allowed percentage of sulfur in fuel to be burned in fuel burning equipment pursuant to Subsection 6.1.2 (B), (C), (D), such assignment shall be incorporated within Appendix B of this Regulation and shall be submitted to the Environmental Protection Agency as a proposed Revision to the Implementation Plan.

6.1.3 Effective Dates

Notwithstanding Subsection 3.2.1, all stationary sources shall be in compliance with Subsections 6.1.1 and 6.1.2 not later than 60 days after their effective date.

6.1.4 Equivalent Emission Authorized

The Board may authorize the burning of fuel with a higher sulfur content than that established by Subsection 6.1.1, if an applicant demonstrates to its satisfaction that:

A. An industrial process, or atmospheric pollution control equipment, or both combined, will result in the removal of sulfur compounds from combustion gases emitted by a source, and

B. As a result of such removal, sulfur compound emission from that source will not exceed those that would result if the fuel required by Subsection 6.1.2 was burned without such removal.

Such authorization shall be granted only by means of a permit or compliance plan that specifies the maximum percentage of sulfur in fuel, by weight, which is authorized.

6.1.5 Reserved

6.1.6 Reserved

(Note: These facilities shall not use fuels with a sulfur content in excess of the following percentages by weight:

A. After October 1, 1973: 2.0% sulfur
B. After April 1, 1974: 1.5% sulfur
C. After April 1, 1975: 1.0% sulfur

The facilities are Abbot, Merck and Company, located in the Barceloneta Air Basin, and Central Guanica, located in the Aquada Air Basin.

The Puerto Rico Water Resources Authority Aquirre Complex shall not use fuel with a sulfur content in excess of 2.5% by weight.)

(50.4) ARTICLE 7 - CONTROL OF ORGANIC COMPOUNDS EMISSIONS

(51.16) 7.1 Storage of Volatile Organic Compounds

7.1.1 No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 40,000 gallons (151,412 liters) capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient, under normal operating conditions, to prevent vapor or gas loss to the atmosphere or is designed, and equipped, with one of the following vapor loss control devices:

A. A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm Hg.) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

B. A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compounds, vapors, and gases discharged, and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

C. Other equipment or means of equally acceptable efficiency for purposes of air pollution control as may be approved by the Board.

(51.21) 7.2 Waste Gas Disposal

No person shall cause or permit the emission of more than 15 pounds (6.8 kg.) per day of waste gas from any ethylene producing plant or other ethylene emission source unless the waste gas stream is properly burned at 1300°F (704°C) for 0.3 second or greater in a direct-flame afterburner, or burned in a smokeless flare or an equally effective device as approved by the Board. The provision shall not apply to emergency reliefs and vapor blowdown systems.

(50.4) 7.3 Organic Solvents

7.3.1 No person shall cause or permit the emission of more than 3 pounds (1.36 kg.) of organic solvents in any one hour, nor more than 15 pounds (6.8 kg.) in any one day, from any article, machine, equipment, or other contrivance unless such article, machine, equipment, or other contrivance is provided with an acceptable ventilation system approved by the Board.

7.3.2 Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which is subjected to any combination of operations shall be collectively subject to compliance with Subsection 7.3.1.

7.3.3 Emission of organic solvents from the cleanup with organic solvents shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this rule.

7.3.4 This Section 7.3 shall not apply to:

A. The manufacture of organic solvents.

B. The use of equipment for which other requirements are specified by Sections 7.1 or 7.2, or which are exempt from Air Pollution Control Requirements by said sections.

C. The spraying or other employment of insecticides, pesticides, or herbicides.

D. Industrial surface coating operations when the coating's solvent make-up is water-based and does not exceed 20 percent of organic materials, by volume.

(50.4) 7.4 Volatile Organic Compounds and Organic Solvents Defined

A volatile organic compound is any compound containing carbon and hydrogen or carbon and hydrogen in combination with any other element and which has a vapor pressure of at least 1.5 pounds per square inch absolute (76 mm. Hg) under actual storage conditions. Organic solvents include diluents and thinners and are defined as chemical compounds of carbon which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(50.6) ARTICLE 8 - ODORS IN THE ATMOSPHERE

8.1 No person shall cause or permit emission to the atmosphere of matter which produces an "objectionable" odor that can be perceived on land other than that designated for industrial purposes.

8.2 No person shall cause or permit an emission which produces an odor perceivable on land zoned for industrial purposes if the odor is determined "objectionable" when one given volume of the air containing such matter, collected at or beyond a lot line of the source, is diluted with five (5) volumes of odorless air.

8.3 The odors emanating from the following shall not be considered in violation of this Regulation: (1) trees, bushes, plants, flowers, grass, (2) domestic gardening and agriculture processes, such as the use of fertilizers (except sugar cane waste and manure).

8.4 For the purpose of this article, an odor shall be considered "objectionable" when 60% or more of a group of at least five individuals consider the odor objectionable when exposed to it at a place chosen with the approval of the Board. These five individuals shall be selected by the Board.

8.5 Odor concentrations shall be measured in accordance with the American Society for Testing and Materials Standard D1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method) " or its equivalent.

(2.0) ARTICLE 9 - ADDITIONAL PROVISIONS

(50.7) 9.1 Public Nuisance

A. Nothing in this Regulation shall be construed to authorize or legalize the creation or maintenance of a public nuisance as defined in Article 329 of the Penal Code of Puerto Rico.

B. This section shall not be understood as a limit or restriction of the other prohibitions established in other parts of this Regulation.

(2.0) 9.2 Overlapping or Contradictory Provisions

If a requirement established by any provision of this Regulation is either more restrictive or less restrictive than a requirement established by any other provision of this Regulation or by any other law, regulation, standard, or limit established by any duly constituted governmental authority having jurisdiction, the requirement which is more restrictive shall govern. Except that nothing in this section shall be deemed to apply to the requirements expressed in Subsections 6.1.1 through 6.1.6 for existing sources.

(2.0) 9.3 Derogation

This Regulation nullifies any previous provision, resolution, agreement, or regulation of the same subject which may contradict this Regulation. Moreover, this Regulation amends, in its entirety the Regulation for the Control of Atmospheric Pollution, as adopted by the Board on June 29, 1971, and replaces it in all its parts.

(2.0) 9.4 Separability Clause

If any provision of this Regulation is declared illegal or unconstitutional by sentence of a court, such declaration or sentence will not affect the other provisions of this Regulation, each one being considered as separate.

(2.0) 9.5 Effectiveness

This Regulation shall go into effect thirty (30) days after the date of its filing at the Department of State, in conformity with Law 112 of June 30, 1957, as amended.

ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL

R-74-20

ASUNTO:

SOBRE: VISTAS PUBLICAS

ENMIENDAS REGLAMENTO PARA EL
CONTROL DE LA CONTAMINACION
ATMOSFERICA

R E S O L U C I O N

La Junta de Calidad Ambiental celebrará vistas públicas en torno al Reglamento para el Control de la Contaminación Atmosférica.

El propósito de estas vistas es someter nuevamente a la consideración de la ciudadanía enmiendas a la sección 6.1 del Reglamento para el Control de la Contaminación Atmosférica relacionadas al control de las emisiones a la atmósfera de compuestos de azufre, así como la data adicional que respalda las mismas. También se someten los Apéndices A y B que regirán la utilización del modelo matemático contenido en dichas enmiendas y los valores del combustible a permitirse a los usarios como consecuencia del empleo del modelo propuesto.

Dada la naturaleza y magnitud de estas enmiendas propuestas, esta Junta de Calidad Ambiental celebrará vistas públicas a fin de obtener las recomendaciones de la ciudadanía y de las entidades interesadas en este asunto.

POR TODO LO CUAL y en virtud de la autoridad conferida por la Ley Núm. 9 del 18 de junio de 1970, esta Junta

R E S U E L V E

Celebrar Vistas Públicas los días 24 y 25 de octubre de 1974 a las 9:00 de la mañana en el Salón de Audiencias de esta Junta en el Séptimo Piso del Edificio Thom McAn, Avenida Ponce de León #1550, Parada 22 1/2, Santurce, Puerto Rico.

NOTIFIQUESE con copia de la presente al Sr. Weems Clevenger, Environmental Protection Agency, Ave. Ponce de Leon Num. 1225, Edificio Caso, Suite 804, Santurce, Puerto Rico; Ing. Lorenzo Iglesias, Director Asociado para Agua y Aire, Junta de Calidad Ambiental; Ing. Pedro Marrero, Director División Calidad de Aire, Junta de Calidad Ambiental; Sr. Joel Magruder, Oficial de Información, Junta de Calidad Ambiental; Ledo. Victor R. Umpierre, Director Oficina Servicios Legales, Junta de Calidad Ambiental.

San Juan, Puerto Rico, a 12 de septiembre de 1974.

CARLOS M. JIMENEZ BARBER
Director Ejecutivo

C E R T I F I C A C I O N

CERTIFICO que en el día de hoy 12 de septiembre de 1974, he enviado copia del documento que antecede a las personas que aparecen en el Notifíquese.

APPENDIX B

Maximum Allowed Percentage of Sulfur in Fuels
for Sources with Design Capacity
Higher than 8 Million Btu/hr

Source Name	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameters: Stack Hgt. (ft.)	Coordinating Parameters: Exit Temp. (°F)
Abbott (Barceloneta)	1	138300	66450	1.0	82	500
"	2	13800	66450	3.1	82	500
Bacardí (Catano)	1	18330	68900	2.0	64	300
Bristol (Barceloneta)	1	139000	65500	1.1	63	525
Central Aguirre (Aguirre)	1	174800	13700	3.1	225	550
" "	2	174800	13700	3.1	65	625
Central Coloso (Aguada)	1	175450	61000	3.1	175	550
Central Cambalache (Arecibo)	1	124050	69050	3.1	210	600
" "	2	124050	69050	3.1	.65	600
Central Eureka (Hormigueros)	1	80100	32250	3.1	180	450
Central Fajardo (Fajardo)	1	235450	54600	3.1	220	450
Central Guanica (Ensenada)	1	98900	15200	0.4	50	400
	2	98900	15200	0.4	225	400
	3	98900	15200	0.4	225	400
Central Igualdad (Mayaguez)	1	75800	49000	3.1	100	475
" "	2	75300	49000	3.1	180	475

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameter: Stack Hgt. (ft.)	Coordinating Parameter: Exit Temp (^{o}F)
Central Mercedita (Ponce)	1	138600	20530	3.1	200	600
Central Plata (San Sebastian)	1	91200	57100	3.1	180	540
" "	2	91200	57100	3.1	150	510
Central Roig (Yabucoa)	1	211430	25550	3.1	190	500
" "	2	211430	25550	3.1	150	500
CORCO (Guayanilla)	1	20450	19840	1.0	175	950
"	2	120650	19450	1.0	147	950
"	3	120650	19450	1.0	125	950
"	4	120650	19450	1.0	186	950
"	5	120650	19450	1.0	125	950
"	6	120650	19450	0.01	125	950
"	7	120650	19450	0.01	131	950
"	8	120650	19450	0.01	125	950
"	9	120650	19780	0.01	180	1050
"	10	120670	19780	1.0	125	950
"	11	120670	19780	1.0	160	950
"	12	120670	19780	1.0	125	970
"	13	120570	19780	1.0	125	950
"	14	120670	19780	1.0	155	950
"	15	120670	19780	1.0	150	400
"	16	120670	19780	1.0	147	950
"	17	120000	19550	0.01	100	950
"	18	120000	19550	1.0	150	910
"	19	120000	19550	1.0	155	970

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameters: Stack Ht. (ft.)	Coordinating Parameters: Exit Temp (°F)
CORCO (guayanilla)	20	120000	19550	1.0	100	950
"	21	120000	19550	0.5	100	375
"	22	120000	19550	0.5	100	375
"	23	120000	19550	0.5	100	375
"	24	120000	19550	1.0	125	950
"	25	120000	19550	0.01	150	950
"	26	120000	19550	1.0	110	950
"	27	120000	19550	0.01	110	1150
"	28	120000	19550	1.0	100	950
"	29	120000	19550	1.0	110	950
"	30	119400	19250	1.0	50	650
"	31	119400	19250	1.0	50	650
"	32	119400	19250	0.01	290	910
"	33	119400	19250	1.0	125	1060
"	34	119400	19250	1.0	86	1160
"	35	119400	19250	1.0	80	1050
"	36	119400	19250	1.0	80	1050
"	37	119400	19250	1.0	80	1050
"	38	119400	19250	1.0	100	1045
"	39	119570	19350	1.0	80	1050
"	40	119570	19350	1.0	80	1050
"	41	119570	19350	1.0	100	1100
"	42	119570	19350	1.0	100	1100
"	43	119570	19350	1.0	80	1150
"	44	119570	19350	0.01	290	910

Source	Stack No.	Stack Coord. (Lambert) x	y	Allowable % S	Coordinating Parameters Stack Hgt. (ft.)	Exit Temp (°F)
CORCO (Guayanilla)	45	119570	19350	1.0	100	1045
"	46	119780	19440	0.01	100	130
"	47	119670	19380	1.0	150	950
"	48	119670	19380	1.0	126	950
"	49	119670	19380	1.0	126	950
"	50	121250	19600	0.01	66	277
"	51	121250	19600	0.01	150	100
"	52	121250	19600	1.0	190	300
"	53	121250	19600	0.01	125	110
Diazlite, Inc. (Trujillo Alto)	1	198000	56600	1.0	48	168
" "	2	198000	56600	1.0	30	130
" "	3	198000	56600	1.0	48	168
Eli Lilly (Carolina)	1	204450	60400	3.1	19	950
" "	2	204450	60400	1.0	34	950
Eli Lilly (Mayaguez)	1	75750	48250	3.1	28	380
Fibers International (Aguirre)	1	182640	14200	3.1	28	380
Gulf (Catano)	1	183990	64630	1.5	100	875
" "	2	183940	64680	1.5	70	746
" "	3	183940	64675	1.5	70	920
" "	4	183940	64590	1.5	100	875
" "	5	183955	64590	1.5	82	875
" "	6	183950	64590	1.5	150	475
" "	7	183975	64650	1.5	70	750

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameters Stack Hgt. (ft.)	Coordinating Parameters Exit Ter (°F)
Gulf (Catano)	8	183975	64660	1.5	70	750
" "	9	183965	64630	1.5	70	875
" "	10	183900	64600	1.5	50	600
" "	11	183920	64600	1.5	50	550
India (mayaguez)	1	78100	42300	3.1	90	590
Industrial Siderurgica (Catano)	1	182100	66300	2.0	35	1200
International Paper (Arecibo)	1	124100	69500	3.1	84	350
" "	2	124085	69520	3.1	84	450
" "	3	124080	69480	3.1	84	425
Medical Center (Rio Piedras)	1	190150	62750	3.1	130	490
Merck-Sharp & Dohme (Barceloneta)	1	140000	66050	3.1	90	350
" "	2	140000	66050	3.1	72	80
Peerless (Guayanilla)	1	120200	17800	1.5	60	900
Pfizer (Barceloneta)	1	137650	66800	0.5	45	200
" "	2	137650	66800	1.0	12	280
PPG (Guayanilla)	1	116500	20300	1.0	125	300
" "	2	116500	20300	1.0	125	300
" "	3	116500	20300	0.01	108	550
" "	4	116500	20300	0.01	56	1500
Phillips (Aguirre)	1	182600	13300	0.1	220	300
	2	182600	13300	0.1	220	300
	3	183000	13700	2.5	70	650

Source	Stack No.	Stack Coord. (Lambert) x	y	Allowable % S	Coordinating Parameters Stack Hgt. (ft.)	Exit Temp (^{o}F)
Phillips (Aguirre)	4	183200	13100	2.5	199	530
" "	5	183200	13100	0.15	38	600
" "	6	183200	13100	0.15	40	750
" "	7	183200	13100	2.5	30	550
" "	8	183200	13300	0.15	138	640
" "	9	183200	13300	2.5	101	640
" "	10	183200	13300	2.5	191	500
" "	11	183200	13300	2.5	108	535
" "	12	183200	13300	0.15	129	535
" "	13	183200	13300	0.15	152	535
" "	14	183200	13300	2.5	164	500
" "	15	183200	13300	2.5	186	500
" "	16	183200	13300	0.15	165	500
" "	17	183200	13300	2.5	133	535
" "	18	183200	13200	0.15	109	500
" "	19	183200	13200	2.5	124	550
" "	20	183200	13200	0.15	89	500
" "	21	183200	13200	2.5	94	500
" "	22	183200	13200	2.5	89	475
" "	23	183200	13200	0.15	30	500
" "	24	183200	13200	0.15	92	500
Placco (Catano)	1	186530	65200	1.0	36	250
" "	2	186530	65200	1.0	36	250
" "	3	186530	65200	1.0	24	250
Ponce Asphalt (Santa Isabel)	1	155450	51960	1.0	25	150

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameters: Stack Hgt. (ft.)	Coordinating Parameters: Exit Temp (°F)
Ponce Cement (Ponce)	1	130600	20800	3.1	85	350
" "	2	130600	20950	3.1	120	500
" "	3	130600	20800	3.1	200	500
" "	4	130600	20800	3.1	175	500
" "	5	130600	20800	3.1	175	500
" "	6	130600	20800	3.1	150	500
" "	7	130600	20800	3.1	120	500
P. R. Cement (Catano)	1	185850	65100	3.1	85	340
" "	2	185850	65100	3.1	150	500
" "	3	185850	65100	3.1	150	500
" "	4	185850	65100	3.1	175	500
" "	5	185850	65100	3.1	120	500
P. R. Chemical (Arecibo)	1	124750	68950	3.1	82	160
" "	2	124750	68950	3.1	46	1100
P. R. Distillers (Arecibo)	1	119900	71050	3.1	25	400
" "	2	119900	71050	3.1	125	500
" "	3	119900	71050	3.1	125	500
P. R. Distillers (Camuy)	1	108570	72470	3.1	35	400
" "	2	108700	72630	3.1	100	500
" "	3	108470	72340	2.5	40	500
P. R. Glass (Catano)	1	186220	65300	1.5	150	510
" "	2	186220	65300	1.5	150	525
" "	3	186220	65300	1.5	150	550

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameters Stack Hgt. (ft.)	Coordinating Parameters Exit Temp (°F)
P. R. Glass (Catano)	4	186220	65300	1.5	70	450
" "	5	186220	65300	0.5	25	175
P. R. Olefins (Guayanilla)	1	121500	19300	0.6	180	329
" "	2	121500	19300	0.6	95	1400
" "	3	121500	19300	0.6	125	650
" "	4	121500	19300	0.6	175	775
" "	5	121500	19300	0.01	195	560
PRWRA (Aguirre)						
Unit No. 1	2/unit	174052	13370	2.5	249	340
Unit No. 2	2/unit	174005	13314	2.5	249	340
Power Pack No. 1	P-1	173891	13392	0.5	40	950
Power Pack No. 2	P-2	173913	13427	0.5	40	950
(Catano)						
Units No. 1 and 2	1	187150	66080	1.5	160	340
Units No. 3 and 4	1	187160	66110	1.5	160	340
Units No. 5 and 6	1	187200	66110	1.5	160	340
Unit No. 7	2/unit	187230	66130	1.5	185	340
Unit No. 8	2/unit	187250	66140	1.5	185	340
Unit No. 9	2/unit	187090	66040	1.5	191	340
Unit No. 10	2/unit	187070	66030	1.5	191	340
Jet No. 1	J-1	187030	66030	0.15	37	690
Jet No. 2	J-2	187030	66030	0.15	23	690
(Ceiba)						
Power Pack No. 1	J-1	233230	44250	0.5	39	930

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameters: Stack Hgt. (ft.)	Coordinating Parameters: Exit Temp. (°F)
PRWRA (Mayaguez)						
Gas Turbine No. 1	G-1	75500	43100	0.5	60	800
Gas Turbine No. 2	G-2	75470	43100	0.5	60	800
Jet No. 1	J-1	75525	43100	0.15	20	600
(Palo Seco)						
Unit No. 1	1	182450	69100	2.5	196	340
Unit No. 2	1	182420	69100	2.5	196	340
Unit No. 3	2/unit	182400	69100	2.5	222	340
Unit No. 4	2/unit	182380	69100	2.5	222	340
Gas Turbine 17	G-1	182320	69010	0.5	39	930
Gas Turbine 21	G-2	182290	69010	0.5	39	930
Gas Turbine 22	G-3	182270	69010	0.5	39	930
Jet No. 1	J-1	182500	69120	0.15	40	690
Jet No. 2	J-2	182508	69110	0.15	23	690
(South Coast)						
Units No. 1 and 2	1	118400	18800	1.0	155	340
Unit No. 3	1	118430	18780	1.0	205	340
Unit No. 4	2/unit	118440	18750	1.0	205	340
Unit No. 5	2/unit	118450	18710	1.0	250	340
Unit No. 6	2/unit	118470	18650	1.0	250	340
Power Pack No. 1	P-1	118520	18740	0.5	39	930
Jet No. 1	J-1	118300	18780	0.15	23	690
San Juan Cement (Dorado)	1	166650	62300	3.1	40	300
" "	2	166650	62400	3.1	57	250
" "	3	166680	62400	3.1	45	250

Source	Stack No.	Stack Coord. (Lambert) x	Stack Coord. (Lambert) y	Allowable % S	Coordinating Parameter: Stack Hgt. (ft.)	Coordinating Parameter: Exit Temp. (°F)
Serralles Distillery (Ponce)	1	138600	20500	2.0	7	370
Schering (Manati)	1	148850	63750	3.1	80	350
" "	2	148850	67350	3.1	80	93
Sun Oil (Yabucoa)	1	314880	24630	3.1	100	600
" "	2	214920	24610	3.1	150	530
" "	3	214880	24540	3.1	250	650
" "	4	214840	24610	3.1	119	440
" "	5	214780	24530	3.1	119	480
" "	6	214750	24560	3.1	150	850
" "	7	214710	24600	3.1	150	1200
Union Carbide Films (Barceloneta)	1	139500	65300	1.0	75	400
Union Carbide (Guayanilla)	1	119600	18400	0.5	17	800
" "	2	119600	18400	0.1	50	500
" "	3	119700	18400	0.01	100	500
" "	4	119700	18400	0.01	130	500
" "	5	119700	18400	0.01	105	700
" "	6	119700	18400	0.5	35	960
" "	7	119700	18400	0.5	160	300
" "	8	119600	18300	0.01	50	842
" "	9	119700	18400	0.01	54	1400
Union Carbide Graphito (Yabucoa)	1	211940	27230	0.20	40	400
" "	2	211940	27230	0.20	26	650
" "	3	211940	27330	0.20	26	650

Source Name	Stack No.	Stack Coord. (Lambert) x	y	Allowable % S	Coordinating Parameters Stack Hgt. (ft.)	Exit Temp (°F)
Upjohn (Barceloneta)	1	136480	66190	1.0	70	375
" "	2	136480	66190	3.1	65	600

FEDERALLY PROMULGATED

REGULATIONS

(10.0) 52.2724 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(14.0) 52.2725 General Requirements

(b) Regulation for Public Availability of Emission Data

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b) (1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(17.0) 52.2729 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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